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# FENSTER & COMPANY

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### FACSIMILE TRANSMISSION COVER PAGE

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TO: EXAMINER ROSILAND S. KEARNEY FROM: CAROL SCANNER

GROUP ART UNIT 3739

FAX: +1-703-308-0758 TEL: +1-703-308-2711

PAGES: 1 + 4 DATE: MARCH 17, 2004

RE: USSN 09/828,997; ZION AZAR; "METHOD OF  
SELECTIVE PHOTOTHERMOLYSIS OR HAIR REMOVAL  
OUR REF. 127/02185

DEAR EXAMINER KEARNEY,

PURSUANT TO YOUR TELEPHONE CONVERSATION WITH  
PAUL FENSTER, PLEASE FIND ENCLOSED THE 2  
TERMINAL DISCLAIMERS FOR THE ABOVE REFERENCED  
APPLICATION.

Yours Sincerely  
CAROL SCANNER  
PATENT ADMINISTRATOR

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|---|-------------------------------------|---|--------------------------------|
| <b>Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent</b>  |                                     |   | <b>Docket No.</b><br>127/02185 |
| In Re Application Of: <b>Zion AZAR</b>  |                                     |   |                                |
| <b>Serial No.</b><br>09/828,997   | <b>Filing Date</b><br>April 9, 2001 | <b>Examiner</b><br>KEARNEY, Rosiland Stacie | <b>Group Art Unit</b><br>3739  |
| Invention: <b>METHOD OF SELECTIVE PHOTOTHERMOLOYSIS OR HAIR REMOVAL</b>   |                                     |   |                                |
| Owner of Record: <b>RADIANCY INC.</b>   |                                     |   |                                |
| <p style="text-align: center;"><u><b>TO THE COMMISSIONER FOR PATENTS:</b></u></p> <p>The above-identified owner of record of a 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,759,200. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p style="text-align: right; font-size: 1.5em;">877-428-5468</p> <p><u>Paul Fenster</u><br/>Signature</p> <p>Dated: March 17, 2004</p> <p><u>Paul FENSTER, Registration No. 33,877</u><br/>Typed or Printed Name</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.<br/><input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged.<br/><input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p> |                                     |   |                                |

\$2814 \$55

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**Docket No.  
127/02185In Re Application Of: **Zion AZAR**Serial No.  
09/828,997Filing Date  
April 9, 2001Examiner  
**KEARNEY, Rosiland Stacie**Group Art Unit  
3739

Title:

**METHOD OF SELECTIVE PHOTOTHERMOLYSIS OR HAIR REMOVAL****TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

**Terminal Disclaimers over Patent Nos. 6,214,034 and 5,759,200**

In the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **03-3419** as described below.
- ☒ Charge the amount of **\$110.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

*Signature*Dated: **March 17, 2004****Paul FENSTER, Reg. No. 33,877****William H. Dippert, Esq.**  
**Reed Smith LLP**  
**599 Lexington Avenue, 29th Floor**  
**New York, NY 10022-7650**

Tel: (212) 521-5400

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I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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